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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: M. Dahlbäck *et al.*

Application No.: 09/857,606

Group Art Unit: 1742

Filed: August 2, 2001

Examiner: H. Wilkins III

For: ZIRCONIUM BASED ALLOY AND COMPONENT IN A NUCLEAR ENERGY  
PLANT

**APPEAL BRIEF**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
PO Box 1450  
Alexandria, Virginia 22313-1450

Sir:

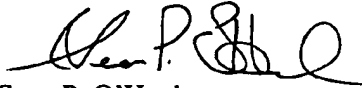
This appeal is from the final Office Action mailed June 21, 2005 finally rejecting all of the pending claims. A Notice of Appeal was timely filed on September 21, 2005, along with a Pre-Appeal Brief Request for Review. A Notice of Panel Decision from Pre-Appeal Brief Review was issued on November 14, 2005. This Brief is being filed under the provisions of 37 CFR § 1.192.

### CONCLUSION

In view of the foregoing arguments, the Appellants respectfully request reconsideration and withdrawal of the claim rejections, and that the application be passed to issuance. Failing that, the Appellants respectfully request the Board to overrule the Examiner's rejections, based on the explanations presented above, and to pass this application to issuance.

The Commissioner is hereby authorized to charge the appeal brief fee set forth in 37 CFR 41.20(b)(2) and any insufficiency or credit any overpayment associated with this application to Swidler Berlin LLP Deposit Account No. 19-5127 (order no. 19378.0011).

Respectfully Submitted,



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Dated: December 14, 2005

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